
CITY OF GALLATIN COUNCIL MEETING

December 4, 2012

6:00 pm

Dr. J. Deotha Malone
Council Chambers

- Call to Order – Mayor Jo Ann Graves
- Opening Prayer –
- Pledge of Allegiance – Vice Mayor Mayberry
- Roll Call: Vice Mayor Mayberry – Alexander – Camp – Garrott – Hayes – Kemp – Overton
- Approval of Minutes:
 - October 16, 2012 Council Meeting
 - November 13, 2012 Special Called Council Meeting
- Special Recognition of Bill Draper, General Manager of the Gallatin Department of Electricity, to present the department's annual audit
- Public Recognition on Agenda-Related Items Only
- Mayor's Comments

AGENDA

1. **Second Reading – Ordinance No. O1208-52** to vacate right-of-way to James Caldwell Etux Faye Caldwell and accept right-of-way and drainage easement from James Caldwell Etux Faye Caldwell **(Councilwoman Kemp)**
2. **First Reading – Ordinance No. O1210-60** amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Commercial Services (CS) Zone District to Core Commercial (CC) Zone District – 0.74 (+/-) acres, Bonnie Chandler, owner, S.B.E. Tax Map #126C/C/Parcel 001.00 and 002.00 – located at 219, 221 and 223 North Water Avenue, at the intersection with East Eastland Street **(Councilwoman Kemp)**
3. **First Reading – Ordinance No. O1211-62** amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Multiple Residential and Office – Planned Unit Development (MRO-PUD) Zone District to Multiple Residential and Office (MRO) Zone District – 5.92 (+/-) acres, James E. Gibson, owner, S.B.E. Tax Map #1260/C/Parcel 002.00 **(Councilman Camp)**
4. **First Reading – Ordinance No. O1211-63** appropriating funds for installation of the skylights at the Civic Center **(Councilwoman Kemp)**
5. **First Reading – Ordinance No. O1212-65** appropriating funds from revenue received by the Fire Department for CPR classes and donations **(Councilman Overton)**

6. **First Reading – Ordinance No. O1212-66** appropriating funds from revenue received by sign shop sale of materials **(Vice Mayor Mayberry)**
7. **First Reading – Ordinance No. O1212-67** appropriating \$10,000 from Water/Sewer Reserves to reimburse the owner of property located at 870 Newton Lane, Gallatin for damages caused by a service line break **(Councilman Camp)**
8. **First Reading – Ordinance No. O1212-68** appropriating funds from revenues received for insurance recoveries **(Councilman Hayes)**
9. **Resolution No. R1211-47** in support of an application for Fasttrack Infrastructure Development Program Funds **(Councilman Camp)**
10. **Resolution No. R1211-48** approving agreement between City of Gallatin and Sumner Emergency Communications District **(Councilman Garrott)**
11. **Resolution No. R1211-49** approving adoption of Fifth Amendment to the City of Gallatin 401(K) Retirement Plan **(Vice Mayor Mayberry)**
12. **Resolution No. R1211-50** approving new and revised job description for Facilities Maintenance **(Councilman Hayes)**
13. **Resolution No. R1211-51** appointing Clay Haynes, Allen Parks, and Derrick Jackson to the Gallatin Industrial Development Board **(Councilman Alexander)**

- Other Business
 - Certificate of Compliance **(Judge Kittrell)**
- Public Recognition on Non-Agenda-Related Items
- Adjourn

City of Gallatin Council Meeting

October 16, 2012

The Gallatin City Council met in regular session on Tuesday, October 16, 2012 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Reverend John Arnold, Associate Pastor, First United Methodist Church led the opening prayer and Councilman Steve Camp led the Pledge of Allegiance. The roll was called and the following were present: Vice Mayor Ed Mayberry, Councilman Steve Camp, Councilman Tommy Garrott, Councilman Craig Hayes, Councilwoman Anne Kemp, Councilman Jimmy Overton, and Councilman Alexander.

Mayor Graves presented the minutes of the October 2, 2012 City Council Meeting for approval. Councilman Overton made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition on Agenda Related Items

Without objection, Mayor Graves asked Garrott Dilbeck, 428 Lenox Place, with Troup 407, at the United Methodist Church, to speak. Mr. Dileck said he is working on his Eagle Scout rank. Mr. Dilbeck said Eagle Scout is the highest rank achieved by a scout.

Mr. Dilbeck said he would like to do a project for the City which includes adding native plants, added two benches and a mulch path to the Greenway off East Broadway. Mr. Dilbeck said the project is funded by private donations and he is asking Council to approve the project.

Mayor Graves said Mr. Roy Alexander referred Mr. Dilbeck to the City for this project.

Mr. Camp motioned to approve the project; Ms. Kemp seconded. Motion passed by unanimous vote.

No one else came forward to speak; therefore, Mayor Graves closed public recognition on agenda related items.

Mayor's Comments

- The Palace Theatre is presenting *A Matter of Taste, Serving up Paul Liebrandt*, as a part of the on-going series of documentary films.

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- Trick or Treat on the Square and City Hall is October 31 from 10:00 a.m. to 2:00 p.m.
- The City has received a \$1.23 million grant to purchase a new aerial truck for the fire department, funded by the CDGV. The truck will be an asset to the Fire Department in rescues related to the tornados and the floods.
- Tinsel and Treasures Open House is November 10th and 11th. Children's choirs from local schools will perform on the square, beginning at 11:00 a.m.
- Christmas Harvest Craft Show will be Saturday, November 17, 2012 at the Civic Center.

Agenda

1. Second Reading – Ordinance #O1208-53

Councilman Hayes presented the ordinance amending zoning ordinance of the City of Gallatin, Tennessee by approving the Preliminary Master Development plan for Hunter Pointe/The Heights at GreenLea, Phase 1 – properties zoned Mixed Use District (MU) Gallatin Land, LLC C/O Realty America, GP#10 owner(s) – 5.32 (+/-) acres, S.B.E. tax map #125//017.01; 10.53 (+/-) acres, S.B.E. tax map #125//018.02; and 6.94 (+/-) acres S.B.E. tax map #125//018.03 located on the north side of State Route (SR) 386, south of State Route (SR) 174 (Long Hollow Pike).

Councilman Hayes motioned to approve; Councilman Garrott seconded.

Councilman Hayes said the members received an amendment tonight from Mr. Joe Thompson, City Attorney.

Mayor Graves said the letter from Mr. Thompson gives directions for the proper procedure to follow on this ordinance, a copy of which is attached to these minutes.

Councilman Hayes motioned to defer this item. The motion died for lack of a second.

Councilman Garrott asked about the letter from Mr. Nick Tuttle, City Engineer, attached to the amendment. Mr. Tuttle said this information from Mr.

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Thompson is not an amendment, but is procedure to follow. Mayor Graves reviewed the instructions from Mr. Thompson as stated in his letter.

Mr. Tony Allers, Director Codes/Planning, explained that when this went back to Planning Commission a new Planning Commission resolution number had to be created. Mr. Allers said that is the only change.

Councilman Overton motioned to amend the motion to replace the old Planning Commission number with the new Planning Commission resolution number. Councilman Garrett seconded the motion. Motion carried with 7 ayes, 0 nays.

Councilman Hayes motioned to amend the motion to add Mr. Tuttle's recommended condition of approval.

Mr. Tuttle explained his letter to the Mayor and City Council requesting a condition be added to the approval requirements.

Mr. Tuttle read the condition:

To further ensure the safety and efficiency of the location and design of all access points for this plan, the R.O.W. improvements shall meet and/or exceed the TDOT Roadway Design Guidelines and AASHTO's Policy on Geometric Design of Highways and Streets where applicable.

Mr. Tuttle explained the condition.

The amendment to the motion died for lack of a second.

Mayor Graves called for the vote on the original motion. The original motion carried with 6 ayes, and Councilman Hayes voting nay.

2. Second Reading – Ordinance #O1209-55

Vice Mayor Mayberry presented the ordinance awarding bid and authorizing funds in the total amount of \$123,000.00 from water/sewer reserves for Industrial Park water & sewer road crossings contract "312".

Vice Mayor Mayberry motioned to approve; Councilman Overton seconded. Motion carried with 7 ayes, 0 nays.

3. Second Reading – Ordinance #O1209-56

Councilwoman Kemp presented the ordinance awarding bid and authorizing funds in the amount of \$1,320,000.00 from natural gas reserves for "2012 Annual Gas Line Construction" in various areas of the City.

Councilwoman Kemp motioned to approve; Councilman Alexander seconded.
Motion carried with 7 ayes, 0 nays.

4. First Reading - Ordinance #O1210-57

Councilman Alexander presented the ordinance awarding bid and authorizing funds in the amount of \$51,950.00 from natural gas reserves for resurfacing of Utility parking lot.

Councilman Alexander motioned to approve; Councilwoman Kemp seconded.
Motion carried with 7 ayes, 0 nays.

5. First Reading - Ordinance #O1210-59

Councilman Overton presented the ordinance approving agreement with TDK Construction Company, Inc. permitting a \$40,000 contribution to the City of Gallatin in lieu of installing sidewalks along Foxland and Mahogany Boulevard.

Councilman Overton motioned to approve; Councilwoman Kemp seconded.

Councilman Overton asked Mr. Tuttle to explain this situation. Mr. Tuttle said the developer in this case is the bank due to foreclosure. Mr. Tuttle said the bank has sold the land to a construction company to build apartments and they are only going to build a portion of the roadway to access the development. Mr. Tuttle said the developer is giving the money to the City, who will build the sidewalks when the road is complete. Mr. Tuttle added that this is a contract with the developer.

Mayor Graves called for a vote on the motion. The motion carried with 7 ayes, 0 nays.

6. First Reading - Ordinance #O1210-58

Councilman Garrott presented the ordinance appropriating funds for completion of Town Creek Greenway and establishing Guidelines for Council review of Greenway project.

Councilman Garrott motioned to defer this item to the next committee meeting.
Councilman Hayes seconded the motion.

Councilman Mayberry said he is prepared to vote on this item tonight.

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Councilman Garrett said he would like to also defer the next item so that the two items are brought to Council for approval together.

Mayor Graves said there is nothing objectionable that she sees in this ordinance.

Mayor Graves suggested that this item be moved behind Ordinance #O1210-61.

Councilman Hayes withdrew his second to the motion.

Councilman Overton seconded the motion.

Vice Mayor Mayberry said he is prepared to vote for this budget tonight because it would be at least three weeks before second reading if this passed tonight.

Vice Mayor Mayberry said this is a good budget.

Council voted on the motion and the motion failed by a show of hands 3 ayes, Councilman Overton, Councilman Camp, Councilman Garrett; 4 nays, Councilwoman Kemp, Councilman Alexander, Vice Mayor Mayberry, Councilman Hayes.

Councilman Garrett said he did not realize that it would be so long before this came up for first reading if it is deferred tonight. Councilman Garrett said he wants these two items to be voted on the same night.

Without objection Mayor Graves moved this item behind the next item.

7. First Reading – Ordinance #O1210-61

Councilman Garrett presented the ordinance approving the annual budget for the Fiscal Year beginning July 1, 2012 through June 30, 2013.

Councilman Hayes motioned to approve; Vice Mayor Mayberry seconded. Councilman Garrett said this item has some big items that Ms. Rachel Nichols, Finance Director, has recommended be put in a separate bond issue.

There was a brief discussion on Ms. Nichols recommendation for a separate bond issue. Mayor Graves said there is some confusion and we should ask Ms. Nichols at the next committee meeting.

Councilman Garrett said waiting another year with a presidential election, may change things and it could cost the City more of money. Councilman Garrett said he would vote for this tonight, but will make amendments at the next committee meeting.

Motion carried, by a show of hands 6 ayes, 1 nay, Councilman Overton.

Council voted on first reading of Ordinance #O1210-58. Vice Mayor Mayberry motioned to approve; Councilman Hayes seconded.

Councilman Camp said he understood that it took five votes to take money out of the "rainy day fund". Mayor Graves said Mr. Thompson informed her that the City Charter states four votes. Mayor Graves explained that the ordinance passed by City Council to require five votes never went to the legislature for a private act to be codified into the charter. Mayor Graves said an ordinance cannot supersede the charter.

Councilman Garrott said he may ask for a ruling from the State. Councilman Garrott said he would like to see this addressed at the next committee meeting.

Motion carried 6 ayes and Councilman Overton voting nay.

8. Resolution #R1210-45

Councilman Camp presented the resolution appointing Gwynn Smith and David Jose to the Gallatin Industrial Development Board and the Gallatin Health Education and Housing Facilities Board.

Councilman Camp motioned to approve; Councilman Overton seconded.
Motion carried 7 ayes, 0 nays.

Other Business

Councilman Garrott said he does not see a need for a fireboat and does not believe that Council voted on a fire boat. Councilman Garrott said a fireboat is not efficient and cost quite a bit of money. Mayor Graves said the money is funded by a grant.

Councilman Garrott asked who approved pedestrian posts on the square, further narrowing the street. Councilman Overton asked who made the recommendation for these posts. Councilman Garrott asked if there is an alternative.

Mr. Tuttle said he made the recommendation and Chief Bandy said he approved the decision. Mr. Tuttle said there is a problem of vehicles not yielding to pedestrians. Mr. Tuttle said he studied the problem and this was the best solution. Mr. Tuttle said the signs do not further the narrow roadway.

Chief Bandy said this is a safety issue and the posts slow down traffic.

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Councilman Overton asked if the posts can be removed for parades, such as the Christmas Parade. Mr. Tuttle said they can be removed. Mr. Tuttle said the posts will fold over if hit. Mr. Tuttle said this is a part of creating a pedestrian friendly environment on the square.

Councilman Camp asked that the sign ordinance be brought to the next committee meeting. Mayor Graves said the ordinance is in the City Attorney's office and advised Councilman Camp to call Mr. Thompson for a status on the ordinance. Mayor Graves said she would put the item on the next agenda.

Chief Crook said there was a fire in Portland, after Gallatin Fire Department presented the fire prevention program. Chief Crook said two little girls got their parents out of the home to safety. Chief Crook said when the girls were asked where they learned fire safety, they said from the fire prevention program.

Mr. Allers said the Codes/Planning and Fire Department was audited by the State Fire Marshall's Office and received the highest rating available.

Mr. Allers said so far this calendar year Codes/Planning Department has issued 1000 building permits; we are up \$60 million in valuation and projects that have already been permitted, and have received an extra \$70,000 in revenue for permits over last year.

Public Recognition on Non-Agenda Related Items

Mr. Joe Debord, 1007 Hart Street presented Mr. Ronnie Stiles with a broom to help clean up the streets. Mr. Debord said his cleaning machine has broken and his staff needs the proper tools to do their job.

Mr. Debord told a story of the bridge to nowhere in Alaska. Mr. Debord said the connection to this story is the sidewalks to nowhere in Gallatin. Mr. Debord said the City said there is a safety problem where there are no sidewalks. Mr. Debord said the City should concentrate on sidewalks and wider streets.

Adjourn

With no other business, the meeting was adjourned.

Mayor Jo Ann Graves

City of Gallatin
Special Called City Council Meeting

November 13, 2012

The Gallatin City Council met in special session on Tuesday, November 13, 2012 in the Dr. J. Deotha Malone Council Chambers in Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order after the regular Council Committee meeting adjourned.

Councilman John D. Alexander led the opening prayer and Councilman Craig Hayes led the Pledge of Allegiance. City Recorder Connie Kittrell called the roll and the following were present: Vice Mayor Ed Mayberry, Councilman Craig Hayes, Councilwoman Anne Kemp, Councilman John D. Alexander, Councilman Jimmy Overton, Councilman Steve Camp and Councilman Tommy Garrett.

Public Recognition on Agenda Related Items

Mayor Graves called for public recognition on agenda related items. With no one wishing to speak, public recognition was closed.

Agenda

1. Ordinance #O1210-61 - Second Reading

Councilman Garrett presented this ordinance adopting the Annual Budget for the Fiscal Year beginning July 1, 2012 through June 30, 2013.

Councilman Garrett made motion to approve; Councilman Camp seconded.

Finance Director Rachel Nichols listed the items discussed previously:

- Add funding of \$250,000 for the Fire Department Boat and add off-setting revenue for the grant
- Add \$875,000 for 500 Steam Plant Road, which is a FEMA Grant Project, revenue and expenses
- Add \$100,000 for Town Creek Bank Stabilization which is a TDEC Grant, revenue and expenses
- Add \$150,000 for Richland Circle drainage
- Add \$175,000 for repairs to the railroad crossing on Steam Plant Road/ Airport Road
- Remove \$90,000 for time/attendance system, \$45,000 out of the General Fund and \$45,000 out of the Gas Fund

Vice Mayor Mayberry made motion to attach all items listed by Ms. Nichols;
Councilman Overton seconded.

Councilman Hayes disclosed his interest in 500 Steam Plant Road.

Mayor called for the vote on the amendment. Motion carried with 7 ayes and 0 nays.

Mayor called for the vote on the budget as amended. Motion carried with 7 ayes and 0 nays.

2. Ordinance #O1210-58 – Second Reading

Councilman Garrott presented this ordinance appropriating funds for completion of Town Creek Greenway and establishing Guidelines for Council Review of Greenway Project.

Councilman Garrott made motion to approve; Councilman Hayes seconded. Motion carried with 7 ayes and 0 nays.

3. Ordinance #O1210-57 – Second Reading

Councilman Alexander presented this ordinance awarding bid and authorizing funds in the amount of \$51,950.00 from Natural Gas Reserves for resurfacing of Utility parking lot.

Councilman Alexander made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

4. Ordinance #O1210-59 – Second Reading

Councilman Overton presented this ordinance approving agreement with TDK Construction Company, Inc. permitting a \$40,000 contribution to City of Gallatin in lieu of installing sidewalks along Foxland and Mahogany Boulevard.

Councilman Overton made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

5. Resolution #R1211-46

Councilwoman Kemp presented this resolution authorizing the City of Gallatin to participate in the State Route 109 Corridor Management Agreement Project.

Councilwoman Kemp made motion to approve; Councilman Alexander seconded.

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November 13, 2012

Council discussed appointing members to serve on the committee.

Mayor called for the vote. Motion carried with 6 ayes and Councilman Garrott voting nay.

Adjourn

There being no other business to discuss, the meeting was adjourned.

Mayor Jo Ann Graves

ORDINANCE TO VACATE RIGHT-OF-WAY TO JAMES CALDWELL ETUX FAYE
CALDWELL AND ACCEPT RIGHT-OF-WAY AND DRAINAGE EASEMENT
FROM JAMES CALDWELL ETUX FAYE CALDWELL.

WHEREAS, THE CITY OF GALLATIN has determined that it no longer needs
and proposes to vacate certain right-of-way;

WHEREAS, THE CITY OF GALLATIN has determined it needs to accept a
certain right-of-way and drainage easement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN,
TENNESSEE:

Section 1. That all that portion of the right-of-way, as shown as "Dixon Street
ROW", as shown in attached EXHIBIT "A" and described in EXHIBIT "E" is wholly
vacated and shall no longer be a part of the street and alley systems of the City of Gallatin
and is hereby transferred to JAMES CALDWELL ETUX FAYE CALDWELL;

Section 2. That the CITY OF GALLATIN accepts the North Water Right-of-
Way and Drainage Easement as shown on Exhibits A and C, and described in Exhibits B
and D; and the attached Offer of Irrevocable Dedication by JAMES CALDWELL ETUX
FAYE CALDWELL;

Section 3. That the Mayor is authorized to execute any and all documents
necessary to effectuate the terms of this agreement.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this ordinance shall take effect on final passage, the public welfare requiring such.

Passed first reading: September 4, 2012.

Passed second reading: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

OFFER OF IRREVOCABLE DEDICATION

AGREEMENT made this _____ day of _____, _____, by and between James Caldwell Etux Faye Caldwell hereinafter designated as "grantor" and Gallatin, Tennessee, having its principal office at Gallatin, Tennessee, hereinafter designated as the "local government."

WHEREAS, Exhibit A and B, designates certain public improvements, shown as Right-of-Way along North Water to be dedicated, shown on the Exhibit A, to be dedicated to the CITY OF GALLATIN free and clear of all encumbrances and liens, pursuant to the requirements of the Planning Commission and the local government; and

WHEREAS, Exhibit C and D, designates certain public improvements, shown within a 20' wide drainage easement, shown on the Exhibit C, to be dedicated to the CITY OF GALLATIN free and clear of all encumbrances and liens, pursuant to the requirements of the Planning Commission and the local government; and

WHEREAS, the grantor is desirous of offering for dedication the said improvements and land to the local government, more particularly described in said Exhibits A, B, C, and D; and

NOW, THEREFORE, in consideration of the sum of \$1.00 lawful money of the United States paid by the local government to the developer and other good and valuable consideration, it is mutually AGREED as follows:

1. The grantor agrees that the offer of dedication is irrevocable and can be accepted by the local government at any time.
2. That this Irrevocable Offer of Dedication shall run with the land and shall be binding on all assigns, grantees, successors, or heirs of the developer.

11-19-12
Date

Faye Caldwell
Grantor(s)
James L. Caldwell
FOR THE CITY OF GALLATIN:

ATTEST:

BY _____

Date

Date

Apr 11, 2012

Attorney for City of Gallatin, Tennessee

STATE OF TENNESSEE

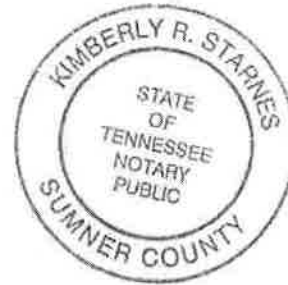
COUNTY OF SUMNER

Before me, Kimberly R. Starnes, of the state and county aforesaid, personally appeared James and Faye Caldwell, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), executed the foregoing instrument for the purposes therein contained.

WITNESS my hand, at office, this 19th day of November ~~August~~, 2012.

Kimberly R. Starnes
NOTARY PUBLIC

My Commission Expires: 10/21/2013



**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

JUNE 26, 2012

DEPARTMENT: Engineering

AGENDA # 6

SUBJECT:

REQUEST FOR ABANDONMENT OF RIGHT-OF-WAY - DIXON STREET

SUMMARY:

The City has been requested to abandon the right-of-way on Dixon Street to the adjacent property owner. E-mails were sent June 8, 2012, to Public Utilities, the Department of Electricity, Planning/Codes, and Public Works asking for their input. No one has indicated any problems with abandoning this right-of-way.

RECOMMENDATION:

Give Engineering permission to request a legal description from the property owner so that the abandonment can be described in an ordinance.

ATTACHMENT:

☐ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING COMMERCIAL SERVICES (CS) ZONE DISTRICT TO CORE COMMERCIAL (CC) ZONE DISTRICT – 0.74 (+/-) ACRES, BONNIE CHANDLER, OWNER, S.B.E. TAX MAP #126C/C/PARCEL 001.00 AND 002.00 - LOCATED AT 219, 221, AND 223 NORTH WATER AVENUE, AT THE INTERSECTION WITH EAST EASTLAND STREET.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2012-90, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2012-90, attached hereto as Exhibit A; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property described in Exhibit C, attached hereto, and further defined in Exhibit D, Rezoning Exhibit for Bonnie Chandler Property, shall be amended from the regular zoning district of Commercial Services (CS) zone district to Core Commercial (CC) zone district.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

GMRPC Resolution No. 2012-90

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. O1210-60 TO THE GALLATIN CITY COUNCIL - AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING COMMERICAL SERVICES (CS) ZONE DISTRICT TO CORE COMMERICAL (CC) ZONE DISTRICT – 0.74 (+/-) ACRES, BONNIE CHANDLER, OWNER, S.B.E. TAX MAP #126C/C/PARCEL 001.00 AND 002.00 - LOCATED AT 219, 221, AND 223 NORTH WATER AVENUE, AT THE INTERSECTION WITH EAST EASTLAND STREET – PC0042-12

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Blue Ridge Surveying, Inc. at its regular meeting on October 22, 2012; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached as Exhibit A, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment to the Gallatin City Council with the following conditions:

1. The applicant shall submit a copy of the signed affidavit that property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15

EXHIBIT A

- days before the Public Hearing is held at City Council (not counting that date).
2. The applicant shall submit fourteen (14) copies of the rezoning exhibit to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

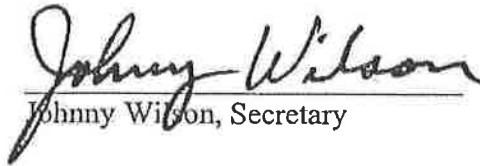
AYE: 6

NAY: 0

DATED: 10/22/12

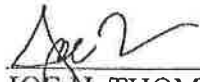


Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE N. THOMPSON
CITY ATTORNEY

EXHIBIT A

ATTACHMENT 3-3

LEGAL DESCRIPTION

BEING located in the 3rd Civil District of Sumner County, Tennessee, being located southeasterly of the North Water Avenue and East Eastland Street intersection and being all of the Bonnie Chandler Property as recorded in Record Book 2226, Page 59, in the Register's Office of Sumner County, Tennessee and being more particularly described as follows:

BEGINNING at a new iron pin monument in the southerly right-of-way of East Eastland Street, said monument also being a northwesterly corner common to Lot 20 of Lane Subdivision as recorded in Deed Book 110, Page 388, in the Register's Office of Sumner County, Tennessee;

Thence leaving said southerly right-of-way of East Eastland Street and continuing along with the westerly line of Lots 20, 15, 14 and 11 of Lane Subdivision with the following two calls: S 17°22'30" E a distance of 161.35' to a new iron pin monument;

Thence S 17°22'30" E a distance of 50.00' to a new iron pin monument, said monument being the northeasterly corner common to the Richard and Ann Boussie Property as recorded in Record Book 3582, Page 585, in the Register's Office of Sumner County, Tennessee;

Thence leaving Lot 11 of Lane Subdivision and continuing along with the northerly line of the Richard and Ann Boussie Property, S 72°10'06" W a distance of 193.34' to a new brass disk monument in the easterly right-of-way of North Water Avenue;

Thence leaving said Richard and Ann Boussie Property and continuing along with the easterly right-of-way of North Water Avenue the following two calls: N 18°19'45" W a distance of 50.00' to a new iron pin monument;

Thence with a curve turning to the left with an arc length of 64.94', with a radius of 418.10', with a chord bearing of N 26°04'06" W, with a chord length of 64.88', to a new brass disk monument, said monument being the southerly right-of-way of East Eastland Street;

Thence leaving said easterly right-of-way of North Water Avenue and continuing along with the southerly right-of-way of East Eastland Street, N 46°47'21" E a distance of 226.63' to a new iron pin monument, which is the point of beginning, having an area of 32,323 square feet, 0.74 acres more or less.

All bearings based on Tennessee State Plane (NAD 83)

This description was prepared by Blue Ridge Surveying, Inc., certified by Brian M. Reifschneider RLS #2487, and dated September 24, 2012.

EXHIBIT C

PC0042-12

ITEM 3
10/22/12 GMRPC MEETING

Public Comment

Applicant requests approval to rezone 0.74 (+/-) acres from Commercial Services (CS) Zone District to Core Commercial (CC) Zone District. The property is located at 219, 221, and 223 North Water Avenue. (PC0042-12)

Attachment 3-1 Rezoning Exhibit
Attachment 3-2 Rezoning Ordinance NO. 0121Ø-60
Attachment 3-3 Legal Description of Property

ANALYSIS

The applicant is requesting to rezone 0.74 (+/-) acres from Commercial Services (CS) Zone District to Core Commercial (CC) Zone District. The property is located at 219, 221, and 223 North Water Avenue, at the corner of East Eastland Street. The property is currently zoned Commercial Services (CS) and the existing uses are General Retail Sales and Service, and Financial, Consulting and Administrative, which are permitted uses within the CS zone district. If the rezoning request is recommended and approved, these uses will be maintained and would also be permitted under the CC zone district classification. A portion of the property along East Eastland Street is located within a flood hazard area, Zone AE. Any new structure(s) located within the floodplain is required, by the Gallatin Zoning Ordinance, to be built one (1) foot above the base flood elevation.

Gallatin on the Move 2020 General Development and Transportation Plan

The *Gallatin on the Move 2020 General Development and Transportation Plan* identifies these parcels on the Community Character Area Map as the Downtown Community Character Area. The Downtown Character Area lists primary land uses as commercial, office, and retail. According to the *Gallatin on the Move 2020 General Development and Transportation Plan*, the requested zone district of Core Commercial is an applicable zone district for the Downtown Community Character Area. Staff is comfortable that the proposed use for this property meets the overall intent of *Gallatin on the Move 2020 General Development and Transportation Plan*.

Adjacent Zoning

Currently, the property at 219, 221, and 223 North Water Avenue is .74 acres and zoned Commercial Services (CS). The applicant is wishing to rezone the property to Core Commercial (CC) so that a former building can be rebuilt up to the roadway like it was and match other buildings in the downtown area. Additionally, the home that stands on Parcel 126C/C/002.00 may have to be razed at some point in the future due to structural issues and the property owners would prefer to build a more traditional building similar to those around the public square.

The subject property is bordered by Commercial Services zoned property to the south and east. East Eastland Street and Town Creek borders the property to the north. The properties across North Water Avenue, to the west, are zoned Core Commercial. Due to Core Commercial properties being located across North Water Avenue and the zoning change will not substantially restrict or enhance the permitted uses currently available to this property under the Commercial

EXHIBIT A

Services zone district, Staff supports the applicant's request to rezone the property from CS to CC.

Departmental Comments

All other departmental comments have been satisfied.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the rezoning request to the Gallatin City Council with the following conditions:

1. The applicant shall submit a copy of the signed affidavit that property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
2. The applicant shall submit fourteen (14) copies of the rezoning exhibit to the Codes/Planning Department.

Tony Allers
Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch
Assistant Director

Project Comments

EXHIBIT A

Meeting Date: 10/22/2012

RE: BONNIE M. CHANDLER PROPERTY, ACTIVITY, Rezoning without PMDP

Reference #: PC0042-12

Department of Public Utilities

Review Date: 09/27/2012

No problems for water, sanitary sewer or natural gas utilities.

Planning Department

Codes/Planning Department Project Manager: Kevin Chastine

Review Date: 10/3/12

1. Correct Note Number 2 to list the following uses as both existing and proposed uses: - General Retail Sales and Service, - Financial, Consulting, and Administrative, - Dwelling: One-Family Detached.
2. Property is located in downtown community character area in the Gallatin On the Move 2020 Plan. Plan recommends re-development and infill opportunities that respect traditional development patterns and architectural styles.
3. Show floodplain/floodway line.
4. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.
Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
5. Submit a detailed response letter addressing all departmental review comments.
6. RETURN CHECKPRINT & CHECKLIST
7. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on Thursday, 10/11/2012.
8. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes Department

Review Date: 09/28/2012

No comments

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE

Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

Engineering Division

Review Date: 10/03/2012

No comments

EXHIBIT A

Fire Department

Review Date: 10/04/2012

This office has no comments at this time.

Police Department

Review Date: 09/26/2012

Reviewed: no comments

Gallatin Department of Electricity

Review Date: 09/28/2012

O.K.

Sumner County, E-911

Review Date:

N/A

Industrial Pre-treatment Department

Review Date:

N/A



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM
REVISED**

DATE: October 29, 2012

TO: Mr. Brian Reifschneider
Blue Ridge Surveying
231 Witherspoon Ave.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: October 22, 2012: Gallatin Municipal-Regional Planning Commission Meeting
Rezoning without Preliminary Master Development Plan: PC File #0042-12

At the above referenced meeting, the request for approval of a rezoning from CS to CC was:

- ☐ RECOMMENDED
- ☒ RECOMMENDED WITH CONDITIONS
- ☐ NOT RECOMMENDED
- ☐ DEFERRED

Conditions of Approval:

1. The applicant shall submit a copy of the signed affidavit that property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
2. The applicant shall submit fourteen (14) copies of the rezoning exhibit to the Codes/Planning Department.

Additional Requirements:

☒ COUNCIL SUBMITTAL: No additional plans are needed if no changes are being made to the plan at this time.

☒ CITY COUNCIL APPROVAL

- Council Committee 11/13/12
- 1st Reading at City Council: 12/4/12
- Ad runs for Public Hearing by Codes/Planning Department: 12/26/12
- Public Hearing at City Council: 1/15/13
- 2nd Reading at City Council: 2/5/13



EX-107 A

City of Gallatin, Tennessee

Codes/Planning Department

cc: Mayor Jo Ann Graves
Mr. Joe H. Thompson, City Attorney
Linda Bradford
PC File #0042-12

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

NOVEMBER 13, 2012

DEPARTMENT: CODES/PLANNING

AGENDA # 1

SUBJECT:

Ordinance #O1210-60 amending the zoning Ordinance of the City of Gallatin, Tennessee by amending property located at 219, 221, and 223 North Water Avenue, at the intersection of East Eastland Street, from Commercial Services (CS) zone district to Core Commercial (CC) zone district.

SUMMARY:

Applicant requests amending Commercial Services (CS) 0.74 (+/-) acres to Core Commercial (CC) zone district. S.B.E. Tax Map #126C/C/Parcel 001.00 and 002.00, located at 219, 221, 223 North Water Avenue at the intersection of East Eastland Street. This rezoning was recommended at the October 22, 2012 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

EXHIBIT A

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING MULTIPLE RESIDENTIAL AND OFFICE – PLANNED UNIT DEVELOPMENT (MRO-PUD) ZONE DISTRICT TO MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONE DISTRICT – 5.92 (+/-) ACRES, JAMES E. GIBSON, OWNER, S.B.E. TAX MAP #1260/C/PARCEL 002.00.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2012-92, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2012-92, attached hereto as Exhibit A; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property described in Exhibit C, attached hereto, and further defined in Exhibit D, Rezoning Exhibit for Hancock Ridge Apartments, shall be amended from the zoning district of Multiple Residential and Office – Planned Unit Development (MRO-PUD) to Multiple Residential and Office (MRO) zone district.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. 01211-62 TO THE GALLATIN CITY COUNCIL - AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING MULTIPLE RESIDENTIAL AND OFFICE - PLANNED UNIT DEVELOPMENT (MRO-PUD) ZONE DISTRICT TO MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONE DISTRICT - 5.92 (+/-) ACRES, JAMES E. GIBSON, OWNER, S.B.E. TAX MAP #1260/C/PARCEL 002.00 - LOCATED ON EAST SIDE OF HANCOCK STREET, NORTHEAST OF GREENWAVE DRIVE- PC0046-12

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Kaw Valley Engineering, Inc. at its regular meeting on November 26, 2012; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached as Exhibit A, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment to the Gallatin City Council with the following conditions:

1. Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.
2. The applicant shall list the percentage of building materials for the architectural elevations for both the apartment buildings and the clubhouse.
3. The applicant shall provide side elevations for the apartment building and all the remaining elevations for the clubhouse.
4. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.
5. The applicant shall submit a detail of the proposed monument sign as part of the Final Master Development Plan.
6. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.
7. The applicant shall understand that upon time for Final Master Development Plan approval, the sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
8. The applicant shall add this note: *Condition of approval of this PMDP is that upon development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.*
9. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
10. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.
11. The applicant shall submit three (3) corrected copies of the Preliminary Master Development Plan to the Codes/Planning Department.
12. The applicant shall provide drawings showing 100% brick on all elevations for the clubhouse.
13. The applicant shall provide architectural drawings showing 70% brick on all elevations for apartment buildings.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 7

NAY: 0

DATED: 11/26/12

11-31 A

Dick Dempsey, Chairman

Johnny Wilson, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

ITEM 4
11/26/12 GMRPC MEETING

PUBLIC COMMENT

Applicant requests approval of a Preliminary Master Development Plan in order to rezone 5.92 (+/-) acres from Multiple Residential and Office Planned Unit Development (MRO-PUD) to Multiple Residential and Office (MRO). The project consists of a 64 unit multi-family residential development on one (1) lot located at 307 Hancock Street. (PC0046-12)

Attachment	4-1	Preliminary Master Development
Attachment	4-2	City Council Ordinance No. 01211-62
Attachment	4-3	Legal Description
Attachment	4-4	Response Letter from Michael Osbourn, P.E., dated 11/14/12

ANALYSIS

The applicant is requesting approval of a Preliminary Master Development Plan in order to rezone 5.92 (+/-) acres from Multiple Residential and Office Planned Unit Development (MRO-PUD) to Multiple Residential and Office (MRO). The project consists of a 64 unit multi-family residential development on one (1) lot located at 307 Hancock Street. The Dwelling, Multi-Family use is a permitted use within the MRO zone district. An area along the eastern property line is located within both the Flood Zone AE as well as within the regulatory Floodway.

Previous Approvals

The originally approved Lackey Planned Unit Development identified the lot at 307 Hancock Street as Lot 7. In that original approval, Lot 7 was designated as Retail Sales and Service use with a proposed 43,625 square foot building. Through the following years there have been numerous amendments and updates to the Lackey PUD, and specifically Lot 7. The most recent revision to Lot 7 came in 2008 (PC File # 4-1-08) when the Planning Commission approved, at the November 24, 2008 meeting, an Amended Preliminary Master Development Plan, as a minor amendment, to add the Financial, Consulting, and Administrative, General Personal Service, Food Service, and Medical Service uses to Lot 7. The property identified as Lot 7 of the Lackey PUD has never been developed or improved in any manner and remains vacant at this time.

Architectural Elevations

There are two (2) different building types proposed as part of this development. First is the apartment building and second is the clubhouse/leasing office building. There are four (4) apartment buildings and one (1) clubhouse/leasing office building. The four (4) apartment buildings contain a total of 64 apartment units.

Apartment Buildings

The apartment buildings have symmetrical elevations and are two (2) stories in height with an approximate ridgeline height of 32 feet. The roof is a hipped roof with gable roofs used to emphasize projecting bays within the building elevation. The building materials are a brown brick, a varying color stacked stone, cement fiberboard siding, and cement fiber shingles within the gable ends of the roofline. The front and rear elevation consists of brick and stone and fiber cement siding. It appears as though the front and rear elevation does not meet the required 70 percent brick and/or stone, however Staff is comfortable with the alternative architectural plan because the

adjacent multi-family development has little to no masonry as does one of the adjacent commercial buildings.

The front and rear elevations are symmetrical and can be divided into four (4) equal bays. The lower half of the elevation consists of stacked stone, with the only exception being the pair of brick piers that flank each of the two (2) breezeways. The upper half of the elevation consists of fiber cement siding, with the only exception being the pair of brick piers that flank each of the two (2) breezeways. All of the windows are six (6) over six (6) double hung windows.

The front and rear elevations are symmetrical and is arranged around each of the breezeways. Each breezeway is accentuated by the extension of the hipped roof which then sits atop two (2) square brick piers and columns. To each side of the breezeways are the projecting bays that project outward and are topped with gables roofs. There are cement fiber siding shingles located within each gable end along with a circular vent. To the outer edge of each breezeway, the projecting bays contain the recessed patio/porch area for each of the two (2) floors. To the inter edge of each breezeway, the projecting bays contain the recessed patio/porch area for those particular units as well as a window that would relate to an area internal to the unit that projects outward.

Clubhouse/Leasing Office Building

The clubhouse is a one (1) story building with a complex hipped roof structure, covered with architectural dimensional shingles, with a projecting gable roof adjacent to the entrance, which is located within a recessed porch area on the right side of the elevation. The left side of the elevation and the gable projection are sheathed in a little brown colored brick, while the right side of the elevation, under the porch, is sheathed in fiber cement board, with a brick base to the wall. The porch is covered by the primary roof structure and is supported by three (3) square piers sitting atop brick bases.

The applicant shall provide calculations for the percentage of masonry for each elevation and building. Also, the applicant shall provide side elevations for the apartment building and the remaining elevations for the clubhouse.

Buffering/Landscaping

The applicant has shown the required Type 10 bufferyard along the northern, western and a portion of the southern property boundaries. Along the southern property boundary the adjacent zoning changes from MRO-PUD to Residential 10, which requires a change in the bufferyard along the last 403 feet of the southern property boundary. In lieu of the required Type 30 bufferyard the applicant is requesting an Alternative Type 20 bufferyard along the remainder of the southern property boundary. The Alternative Type 20 bufferyard will consist of the required plant material with the addition of a continuous row of broadleaf evergreen shrubs to help form an opaque barrier along this portion of the property boundary. The applicant is also requesting an Alternative Type 40 bufferyard along the eastern property boundary which relates to the creek that runs along that portion of the property. The applicant is requesting to utilize the existing plant material and trees to satisfy the bufferyard requirement along the eastern property boundary. Staff is comfortable with the two (2) proposed alternative bufferyards as shown. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.

Also, the applicant has met and/or exceeded all internal landscaping requirements. Finally, the applicant has shown the landscaping/screening plan for the HVAC units and dumpster enclosures. Staff recommends the Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.

Access and Parking

The applicant has shown one (1) access point onto Hancock Street. The access point is located along the western boundary of the site. The access was placed in this location based on comments from the Engineering Division so that the access could eventually be shared with the adjacent Lackey PUD Lot 25.

The parking ratio for a multi-family residential development is two (2) parking spaces per unit. The applicant has shown 133 parking spaces for this development, which exceeds the required parking spaces by five (5). All of the proposed 133 parking spaces are surface parking spaces. The applicant is providing the required seven (7) handicapped parking spaces.

Signage

The applicant has indicated a monument sign to be installed at the entrance along Hancock Street. The required 15 foot setback from the right-of-way has been provided. However, the design of the monument sign has not been included with the Preliminary Master Development Plan; therefore the applicant shall submit a detailed drawing of the proposed monument sign as part of the Final Master Development Plan. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.

Photometric Plan

The applicant has submitted a photometric plan that meets and/or exceeds the illumination standards in Table 13-04 of the Gallatin Zoning Ordinance.

Engineering Division Comments

All Engineering Division comments have been satisfied except the comments that have been included below as conditions of approval.

Departmental Comments

All other Departmental Comments have been satisfied except the following:

1. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
2. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Preliminary Master Development Plan to City Council with the following conditions:

1. Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.

2. The applicant shall list the percentage of building materials for the architectural elevations for both the apartment buildings and the clubhouse.
3. The applicant shall provide side elevations for the apartment building and a the remaining elevations for the clubhouse.
4. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.
5. The applicant shall submit a detail of the proposed monument sign as part of the Final Master Development Plan.
6. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.
7. The applicant shall understand that upon time for Final Master Development Plan approval, the sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
8. The applicant shall add this note: *Condition of approval of this PMDP is that upon development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.*
9. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
10. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.
11. The applicant shall submit three (3) corrected copies of the Final Master Development Plan to the Codes/Planning Department.

Project Comments

Meeting Date: 11/26/2012

RE: HANCOCK RIDGE APARTMENTS Preliminary Master Development Plan

Reference #: PC0046-12

Department of Public Utilities

Review Date: 10/26/2012

1. Detailed plans and specifications for water & sanitary sewer must be submitted for approval.

Planning Department

Codes/Planning Department Project Manager: Kevin Chastine

Review Date: 10/31/12

1. Provide a Photometric Plan that meets or exceeds the standards of Gallatin Zoning Ordinance Table 13-4.
2. Provide Architectural Elevations of apartment buildings and clubhouse.
3. Update the Legal Description to include calls and distances.
4. Correct the Tax Map and Parcel for the parcel north of the proposed development (126O/D/001.01).
5. Monument Sign requires a setback of 15 feet from the R.O.W.
6. Correct Proposed Use to 'Dwelling, Multi-Family' in Note 12 and Proposed Use Plan.
7. Correct Note 17 by adding the wording as shown.
8. Provide the proposed number of units (64?) under the Site Data Table.
9. In addition to the floodplain, indicate and label the floodway boundary.
10. Dimension at least one (1) parking space and the drive aisle width.
(Standard Parking Space Required is 9'x20')
11. Are the trash enclosures in areas that allows for adequate turning radius for garbage trucks?
12. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.
13. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (**MicroStation version "J" software**) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
14. Submit a detailed response letter addressing all departmental review comments.
15. RETURN CHECKPRINT & CHECKLIST
16. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on November 15, 2012.
17. Resubmittals must include the above information in order to be considered a complete resubmittal.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE

Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

Codes Department

Review Date: 11/01/2012

No comments at this time.

Engineering Division

11-20-2012 JZW Resubmittal:

1. Upon time for site plan approval, sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
2. Add note: Condition of approval of this PMDP is that upon development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.

Review Date: 11-1-2012 JZW:

1. The Engineering Division has concerns about the adequacy of the detention pond, and ultimately the benefit that it may provide given the location/proximity to the creek and the lower reach of the watershed. In lieu of a detention pond, the Engineering Division strongly encourages the use of Low Impact Design strategies, and the use of infiltration methods to reduce runoff.
2. Provide sidewalk along Hancock Street.
3. Move access over to far west property line to allow for lot 25 to utilize access as well.
4. GOTM 2020 plan show future greenway running parallel to Town Creek. Make accommodations for greenway.

Fire Department

Review Date: 11/01/2012

1. Fire hydrants need to be shown on plans.

Police Department

Review Date: 10/29/2012

Reviewed: no comments

Gallatin Department of Electricity

Review Date: 10/29/2012

O.K.

Sumner County, E-911

Review Date:

N/A

Industrial Pre-treatment Department

Review Date:

N/A

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN,
TENNESSEE BY AMENDING MULTIPLE RESIDENTIAL AND OFFICE – PLANNED
UNIT DEVELOPMENT (MRO-PUD) ZONE DISTRICT TO MULTIPLE RESIDENTIAL
AND OFFICE (MRO) ZONE DISTRICT – 5.92 (+/-) ACRES, JAMES E. GIBSON, OWNER,
S.B.E. TAX MAP #1260/C/PARCEL 002.00.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to
Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of
this amendment in GMRPC Resolution No. 2012-92, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur
before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning
Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE
as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin
Municipal-Regional Planning Commission has reviewed and recommended approval of
this amendment in GMRPC Resolution No. 2012-92, attached hereto as Exhibit A; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional
Planning Commission, public notice, and after public hearing in compliance with Section
15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property described in
Exhibit C, attached hereto, and further defined in Exhibit D, Rezoning Exhibit for
Hancock Ridge Apartments, shall be amended from the zoning district of Multiple
Residential and Office – Planned Unit Development (MRO-PUD) to Multiple Residential
and Office (MRO) zone district.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official
zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this
ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this
Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

4-2

John Darnall Surveying

- Land Surveying • Construction Staking • Land Development Services • Design • TAPS Member •

PROPERTY DESCRIPTION JAMES E. GIBSON PROPERTY LACKEY P.U.D., LOT 7

Land lying on the east side of Hancock Street, 180.5 feet northeast of Green Wave Drive in the City of Gallatin, Third Civil District, Sumner County, Tennessee. Being all of the land deeded to James E. Gibson, etux by deed recorded in Record book 2475, page 506, Register's Office of Sumner County (R.O.S.C.), Tennessee and more particularly described as follows:

Being all of Lot 7, Phase 2, Southwest Developer's Property as recorded in Plat book 12, page 391, R.O.S.C., Tennessee.

RECEIVED
OCT 24 2012

GALLATIN PLANNING
& ZONING

EXHIBIT C

PC0046-12

Sincerely,



John Darnall Surveying
Tom Darnall, RLS

RECEIVED
OCT 24 2012

GALLATIN PLANNING
& ZONING

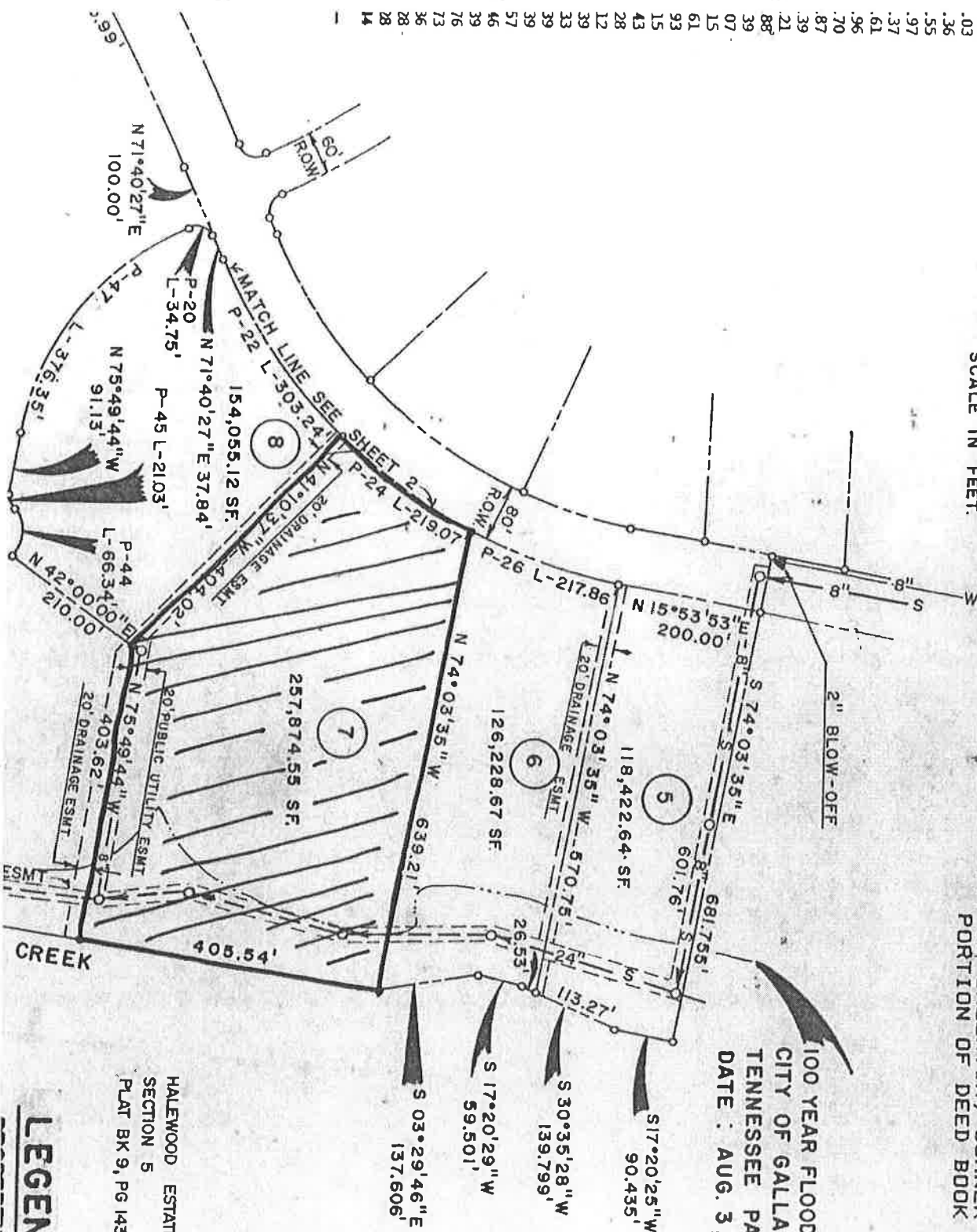
EXHIBIT C

PC 0046-12

David Cannon

THE SOUTHWEST DEVELOPER'S PROPERTY MIXED-USED P.U.D.

AND REVISED R.O.W. DEDICATION FOR HANCOCK STREET
AND R.O.W. DEDICATION FOR GREEN WAVE DRIVE THRU
THE SOUTHWEST DEVELOPERS PROPERTY
CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE
PORTION OF DEED BOOK 515, PAGE 405



100 YEAR FLOOD PLAIN PER F.I.R.M.,
CITY OF GALLATIN, SUMNER COUNTY,
TENNESSEE PANEL 7 OF 18, EFFECTIVE
DATE: AUG. 3, 1981

JUL 19 1989

Filed for record
9:05 o'clock

Registered in Plat
Book 12 Page 391
ANTHONY BROWN, Register of Deeds

ENTERED

JUL 19 1989

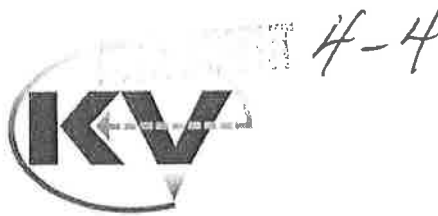
THOMAS L. MANNING
TAX ASSOCIATES

HALEWOOD ESTATES
SECTION 5
PLAT BK 9, PG 143 & 163

LEGEND

EXHIBIT C

14700 W. 114th Terrace
Lenexa, Kansas 66215
www.kveng.com



Tel: 913-894-5150
Fax: 913-894-5977
E-mail: LX@kveng.com

KAW VALLEY ENGINEERING, INC.

November 14, 2012

C12D6895

Kevin Chastine, AICP
City of Gallatin
132 West Main Street
Gallatin, TN 37066

**RE: HANCOCK RIDGE APARTMENTS
PRELIMINARY MASTER DEVELOPMENT PLAN
REFERENCE NUMBER: PC0046-12
COMMENT RESPONSE LETTER**

RECEIVED
NOV 15 2012
GALLATIN PLANNING
& ZONING

Mr. Chastine,

The following is in response to the comment letter dated November 9, 2012:

Department of Public Utilities

1. Detailed plans and specifications for water and sanitary sewer will be submitted for approval in the design phase.

Planning Department

1. A Photometric Plan is provided with this resubmittal.
2. Architectural Elevations of the apartment buildings and clubhouse are provided with this submittal.
3. A legal description with bearings and distances is provided with this resubmittal.
4. The Tax Map and Parcel for the parcel north of the proposed development has been revised to 126O, D, 001.01.
5. The monument sign location has been revised to provide a 15' setback from the Right-of-Way line and labeled as such.
6. The Proposed Use has been revised to "Dwelling, Multi-Family" in Note 12 and Proposed Use Plan.
7. Note 17 has been revised to read, "Dwelling, Multi-Family."
8. The number of proposed units has been included in the Site Data Table.
9. The floodway boundary is now shown.
10. The dimensions of the drive aisle and a parking stall are now shown.

RESUBMITTAL

other locations

Junction City, Kansas • Kansas City, Missouri • Salina, Kansas

PC0046-12

- 4-4
11. A turning template has been used to verify adequate clearance for a standard garbage truck.
 12. Twenty-seven copies are provided.
 13. A digital copy of the PMDP is provided in DWG and PDF formats.
 14. Acknowledged.
 15. At the time this response letter was drafted a Checkprint had not been received.
 16. Acknowledged.
 17. Acknowledged.

Codes Department

No comments to address at this time.

Engineering Division

1. The Development proposes the use of infiltration methods to reduce runoff in lieu of a detention system.
2. A 5' sidewalk with a 5' green space between the sidewalk and back of curb has been provided. A sidewalk easement has been provided 1' beyond the sidewalk creating a sidewalk easement with a varying width from 4' to 0.8' along the Hancock Street Right-of-Way.
3. The point of access has been revised to allow Lot 25 to utilize the access.
4. A greenway easement with a width varying width from 100' to 130' from the east property line has been provided.

Fire Department

No comments to address at this time.

Police Department

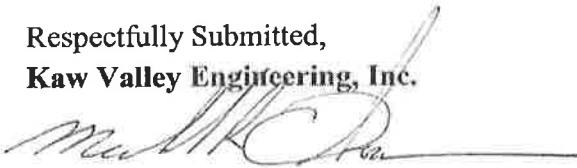
No comments to address at this time.

Gallatin Department of Electricity

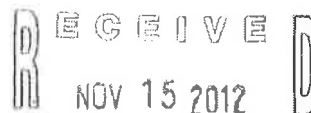
No comments to address at this time.

If you have any questions or require additional information please do not hesitate to contact me at 913-894-5150 or by email at mikeo@kveng.com.

Respectfully Submitted,
Kaw Valley Engineering, Inc.



Michael R. Osbourn, P.E.



GALLATIN PLANNING
& ZONING

RESUBMITTAL

PC0046-12

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

NOVEMBER 27, 2012

DEPARTMENT: CODES/PLANNING

AGENDA # 9

SUBJECT:

Ordinance # O1211-62 amending Zoning Ordinance of the City of Gallatin, Tennessee by amending property located at 307 Hancock Street from Multiple Residential and Office – Planned Unit Development (MRO-PUD) zone district to Multiple Residential and Office (MRO) zone district.

SUMMARY:

Applicant requests amending Multiple Residential and Office – Planned Unit Development (MRO-PUD) zone district to Multiple Residential and Office (MRO) zone district – 5.92 (+/-) acres, S.B.E. Tax Map #126O/C/Parcel 002.00 located at 307 Hancock Street. This rezoning will be considered at the November 26, 2012 Planning Commission meeting. (PC0046-12),

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: November 27, 2012

TO: Michael R. Osbourn, P.E.
KAW Valley Engineering, Inc.
14700 W. 114th Terrace
Lenexa, KS 66215

FROM: Gallatin Codes/Planning Department

RE: November 26, 2012: Gallatin Municipal-Regional Planning Commission Meeting
Hancock Ridge Apartments: PC File #0046-12

At the above referenced meeting, the request for rezoning from Multiple Residential and Office Planned Unit Development – MRO (PUD) to Multiple Residential and Office - MRO was:

- ☐ RECOMMENDED
☒ RECOMMENDED WITH CONDITIONS
☐ NOT RECOMMENDED
☐ DEFERRED

Conditions of Approval:

1. Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.
2. The applicant shall list the percentage of building materials for the architectural elevations for both the apartment buildings and the clubhouse.
3. The applicant shall provide side elevations for the apartment building and all the remaining elevations for the clubhouse.
4. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.
5. The applicant shall submit a detail of the proposed monument sign as part of the Final Master Development Plan.
6. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.
7. The applicant shall understand that upon time for Final Master Development Plan approval, the sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
8. The applicant shall add this note: *Condition of approval of this PMDP is that upon*



City of Gallatin, Tennessee

Codes/Planning Department

development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.

9. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
10. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.
11. The applicant shall submit three (3) corrected copies of the Preliminary Master Development Plan to the Codes/Planning Department.
12. The applicant shall provide drawings showing 100% brick on all elevations for the clubhouse.
13. The applicant shall provide architectural drawings showing 70% brick on all elevations for apartment buildings.

Additional Requirements:

☒ CITY COUNCIL APPROVAL

- Council Committee: 11/27/12
- 1st Reading at City Council: 12/4/12
- Ad runs for Public Hearing by Codes/Planning Department: 12/26/12
- Public Hearing at City Council: 1/15/2013
- 2nd Reading at Special-Called City Council: 1/22/2013

cc: Mayor Jo Ann Graves
Mr. Joe H. Thompson, City Attorney
Mr. Justin Zimmerman
Mr. Eddie Gibson
PC File #0046-12

ORDINANCE NO. 01211-63

ORDINANCE APPROPRIATING FUNDS FOR INSTALLATION
OF THE SKYLIGHTS AT THE CIVIC CENTER

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of up to \$90,000.00 is hereby appropriated from the general fund to the Civic Center Capital Fund, 110-44420-922 for expenses related to installation of the skylights at the Civic Center.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2012

PASSED SECOND READING: _____, 2012

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 27, 2012

DEPARTMENT: Leisure Services

AGENDA #

SUBJECT:

Appropriating funds in the amount of \$90,000.00 from the General Fund to the Civic Center Capital Fund, 110-44420-920, for replacement of Civic Center Skylights.

SUMMARY:

Bid received to replace the skylights quotes total cost at \$212, 865.00. TML will pay \$120,100.00. Balance is \$87,765.00. Also requesting \$2,235.00 for paint and other minor repairs, bringing the total request to \$90,000.00.

RECOMMENDATION:

Approval

ATTACHMENT:

<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Ordinance

<input type="checkbox"/>	Correspondence
<input type="checkbox"/>	Contract

<input type="checkbox"/>	Bid Tabulation
<input type="checkbox"/>	Other

Approved	<input type="checkbox"/>
Rejected	<input type="checkbox"/>
Deferred	<input type="checkbox"/>

Notes:

ORDINANCE NO. 01212-65

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED BY THE
FIRE DEPARTMENT FOR CPR CLASSES AND DONATIONS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$855 is hereby appropriated from revenue received by the Fire Department, account # 110-34290, to account #11042220-148, for expenses related to CPR instruction, and

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,000 is hereby appropriated from revenue received by the Fire Department from TVA donations, account # 110-33190, to account #11042220-941-20, for expenses related to the new fire boat, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

11/27/2012

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Quarterly CPR appropriation ordinance and appropriation of donation to Fire Department

SUMMARY:

Appropriation ordinance for revenues received to date for CPR classes. Also, appropriating donation from TVA for fire boat supplies.

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01212-66

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED BY SIGN
SHOP SALE OF MATERIALS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,975 is hereby appropriated from revenue received from Sale of Materials – Signs, account #110-36500, to account #11043120-342, Sign Parts and Supplies, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

11/27/2012

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Quarterly Sign Shop appropriation ordinance

SUMMARY:

Appropriation ordinance for revenues received to date for Sign Shop work.

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01212-67

ORDINANCE APPROPRIATING \$10,000 FROM WATER/SEWER RESERVES TO
REIMBURSE THE OWNER OF PROPERTY LOCATED AT 870 NEWTON LANE,
GALLATIN FOR DAMAGES CAUSED BY A SERVICE LINE BREAK

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum
of \$10,000 is hereby appropriated from the Water/Sewer Reserves to reimburse the
owner of property located at 870 Newton Lane for damages caused by a service line
break on or around July 5, 2012.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this Ordinance shall take effect from and after its final passage, the public welfare
requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

NOVEMBER 27, 2012

DEPARTMENT: Public Utilities

AGENDA #

SUBJECT:

Appropriation of funds in the amount of \$10,000 to reimburse property owner for damages caused by a service line break at 870 Newton Lane.

SUMMARY:

This ordinance for an appropriation of \$10,000 from Water/Sewer reserves to reimburse the owner of property located at 870 Newton Lane, Gallatin, TN for damages caused by a service line break.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01212-68

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED FOR
INSURANCE RECOVERIES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$139,903.86 is hereby appropriated from revenue received from Insurance Recoveries, account #110-36350 to the following account numbers:

\$140.30 appropriated to Streets Operating Supplies, account #11043120-320,

\$60.68 to Streets Salaries, account # 11043120-111;

\$40.00 to Streets Equipment Maintenance, account #11043120-262 for repairs at 723 North Water Avenue;

\$650.00 appropriated to Facility Maintenance Building Repairs, account #11041800-266, for City Hall roof damages from storm;

\$4,565.00 appropriated to Engineering Signal Supplies, account #11041670-320, for signal damages;

\$1,850.00 appropriated to Streetscape, account #31141100-812, for damages in front of Amberleaf;

\$5,000 appropriated to Attorney Educational Materials, account #11041620-328, for safety training expenses;

\$994.00 appropriated to Greenway, account #31141100-809, for damages to the fence;

\$739.66 appropriated to Police Maintenance and Repairs Vehicles, account #11042110-261, for patrol car damages;

\$125,100 appropriated to Civic Center Skylights, account #11044420-922-23, for discoloration of skylights;

\$764.22 appropriated to Police Maintenance and Repairs Equipment, account #11042110-262, for repairs to command post, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

11/27/2012

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Quarterly Insurance Recovery appropriation ordinance

SUMMARY:

Appropriation ordinance for revenues received to date for Insurance Recoveries.

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1211-47

RESOLUTION IN SUPPORT OF AN APPLICATION FOR
FASTTRACK INFRASTRUCTURE DEVELOPMENT PROGRAM FUNDS

WHEREAS, funds are available from the Tennessee Department of Economic and Community Development (ECD), FastTrack Infrastructure Development Program (FIDP) to provide matching grants to local governments for infrastructure improvements which will support the location and expansion of industry and the creation of new jobs; and

WHEREAS, the City of Gallatin wishes to make infrastructure improvements which will support the location and expansion of industry and the creation of new jobs; and

WHEREAS, the City of Gallatin may apply for FastTrack Infrastructure Development Program (FIDP) funds in the amount of \$166,710 to assist Hoeganaes Corporation and ABC Group Fuel Systems; and

WHEREAS, the City of Gallatin will provide \$47,021 as local matching funds;

NOW, THEREFORE, BE IT RESOLVED, by City of Gallatin, that an application be filed for FIDP funds in the amount of \$166,710, and that Jo Ann Graves, Mayor, be authorized to sign the application and all necessary assurances and agreements necessary to consummate the application and implement the project.

BE IT FURTHER RESOLVED, BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: _____

NAY: _____

DATED: _____, 2012.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 13, 2012

DEPARTMENT: EDA

AGENDA #

SUBJECT:

RESOLUTION IN SUPPORT OF AN APPLICATION FOR
FASTTRACK INFRASTRUCTURE DEVELOPMENT PROGRAM FUNDS

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION APPROVING AGREEMENT BETWEEN CITY OF GALLATIN AND SUMNER
EMERGENCY COMMUNICATIONS DISTRICT

WHEREAS, the City and the Sumner Emergency Communications District desire to conduct certain operations related to emergency communications jointly as contemplated by T.C.A. § 12-9-104; and

WHEREAS, the conduct of certain operations under the agreement will enhance the ability of the City of Gallatin to promote and protect public health, safety, and welfare;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE that the Mayor be and hereby is authorized to execute the agreement attached to this resolution as Exhibit A.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED:

PRESENT AND VOTING:

AYE: _____

NAY: _____

DATED: _____, 2012.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

State of Tennessee
County of SUMNER

**INTERLOCAL COOPERATION AGREEMENT
FOR
EMERGENCY COMMUNICATIONS
BETWEEN SUMNER EMERGENCY COMMUNICATIONS DISTRICT
AND
CITY OF GALLATIN, TENNESSEE**

Pursuant to T.C.A. § 12-9-104 (2004), this Joint Powers Agreement for Emergency Communications (the "Agreement") is entered into between and among the **CITY OF GALLATIN** (the "CITY"), a political subdivision of the State of Tennessee, and SUMNER Emergency Communications District (the "District"), a municipality and public corporation created and established pursuant to T.C.A. § 7-86-101, *et seq.*

WHEREAS, the District was established for the purpose of providing a system of emergency communications whereby a caller dialing 9-1-1 would immediately be connected to a public safety answering point that would quickly and efficiently assure that the appropriate emergency responders were notified;¹ and

WHEREAS, such a system results in the saving of life, a reduction in the destruction of property, quicker apprehension of criminals and ultimately the saving of money;² and

WHEREAS, the District was established as a statutory municipality or public corporation in perpetuity, authorized to fund its operations through a bona fide emergency telephone service charge on all service users within its borders, whether business or residential, public or private, profit making or not-for-profit, including governmental entities,³ and

WHEREAS, the **CITY** and the District desire to conduct certain operations related to emergency communications jointly as contemplated by T.C.A. § 12-9-104 (2004); and

WHEREAS, the Gallatin City Council authorized the execution of this Agreement on August 2, 2011, by passage of Resolution No. R1107-35, and authorized the Mayor to execute this Agreement on behalf of the City; and

WHEREAS, the District, acting by and through its Board of Directors, authorized the execution of this inter-local agreement between the **CITY** and the District.

NOW, THEREFORE, in consideration of the promises and covenants set forth herein, and for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

¹ See Tenn. Code Ann. § 7-86-102(a).

² See *id.*

³ See Tenn. Code Ann. § 7-86-106.

1. Purpose. This Agreement is for the purpose of establishing the manner, terms and conditions by which the **CITY** and the District shall jointly provide 9-1-1 services in the area served by the District. For purposes of this agreement "9-1-1 service" means 9-1-1 service and wireless enhanced 9-1-1 services as those terms are defined in Tenn. Code Ann. § 7-86-103.

2. Cooperative & Funding Agreement.

The District hereby agrees to provide the following operational aspects of 9-1-1 services in the area served by the District:

1. The books and training material for the dispatchers to meet the STATE ECB STANDARDS.
2. The books and training material for a training supervisor.
3. Will manage the MSAG/9-1-1 database.
4. Provide addressing, mapping and GIS services that are 911 related.
5. Provision and maintenance 9-1-1 equipment approved by the 911 board which includes, controller/telephone systems, logging recorders, UPS, GIS mapping systems, CAD and RMS purchased by the District and approved by the State ECB.
6. Provision of an Emergency Communications District Director to manage the District office.

The **City** hereby agrees to provide the following operational aspects of 9-1-1 services in the District:

1. Call takers and Dispatch skilled personnel that meet the STATE ECB STANDARDS.
2. Dispatch operation to operate 24 hours per day, 7 days per week, and 365 days per year without interruption which accurately determines what resources are required for each emergency and which dispatches those resources in a timely fashion.

3. Funding and Responsibilities.

The District shall fund the following aspects of 9-1-1 service:

1. All District responsibilities enumerated in Paragraph 2(a)(1) & (2) of this Agreement.
2. Reimbursement for dispatcher training covered under the State ECB Dispatcher Training Grant. All training must meet State ECB regulations to be funded. Reimbursements will be given upon availability and approval from State ECB.
3. All Districts responsibilities enumerated in Paragraph 2(a) of this Agreement for two (2) seats at the City.

The **City** shall fund the following aspects of 9-1-1 services:

1. City facility space and furniture.
2. City dispatching / call taking radios and generators.

3. Insurance on equipment being provided by the ECD to include recorder and attached list of equipment. In the event any of the equipment provided by the ECD has to be replaced by insurance, the new equipment will remain the property of the ECD.
4. Payroll and benefits of the City dispatchers.
5. Attendance by at least one representative at fifty (50%) plus one (1) of the User Committee Meetings during a twelve month period.

The parties hereby acknowledge that, consistent with T.C.A. § 7-86-306(a)(1), reimbursements by the Tennessee Emergency Communications Board are subject to availability of funds.

4. State and Federal Compliance. The Parties hereby agree to fully comply with the applicable Policies, Orders, Regulations and Revenue and Operational Standards of the Tennessee Emergency Communications Board, the applicable rules, regulations and orders of the Federal Communications Commission and applicable federal and state laws in the performance of this agreement.

5. Term. The Parties hereby agree that this agreement shall continue until June 30, 2016.

6. Nondiscrimination. The parties hereby agree, warrant and assure that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the performance of this agreement on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, or Tennessee state constitutional or statutory law.

7. Severability. If any of the terms and conditions of this contract is held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this agreement are declared severable.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of this _____ day of _____, 20__.

For the **CITY OF GALLATIN**

Name: JO ANN GRAVES
Title: MAYOR

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

For the DISTRICT:


Name: Richard W. Shaffer, Jr.
Title: 9-1-1 Director

Deliverable	Description	GLTN
911-Inc. Deliverables		
683-U	Genovation Keypad USB	0
911-Wrksta Support Kit	Workstation Support Hardware (TDD, IRR)	2
911-Siparator19	SIParator 19	0
911-Gateway	Audio Codes Mediant 1000	0
700461213	IP PHONE 9650 CHARCOAL GRY	2
700448558	S8800 1U APPL SRVR AES	0
700432487	Avaya Gateway	0
700407810	S8300D SERVER	0

Infranet Deliverables

Cisco 1941 Security Bundle	Cisco 1941 Security Bundle w/SEC license PAK	1
CISCO1941-SEC/K9	Cisco SMARTnet 8x5xNBD "SNT" Service for Part # CISCO1941-SEC/K9 - 5Yr	1
Cisco Console Cable	Cisco Console Cable 6ft with RJ45 and DB9F	1
Cisco Console Cable	Cisco Console Cable 6 ft with USB Type A and mini-B	1
Cisco Eight port 10/100/1000 Ethernet switch interface card	Cisco Eight port 10/100/1000 Ethernet switch interface card w/PoE	1
Cisco 1GB USB Flash Token	Cisco 1GB USB Flash Token	1
Cisco 1941 AC Power Supply	Cisco 1941 AC Power Supply with Power Over Ethernet	1
Cisco 2-Port 3rd Gen Multiflex Trunk Voice/WAN Int. Card	Cisco 2-Port 3rd Gen Multiflex Trunk Voice/WAN Int. Card - T1/E1	0
Cisco 1GB DRAM (1 DIMM) for Cisco 1941/1941W ISR	Cisco 1GB DRAM (1 DIMM) for Cisco 1941/1941W ISR, Spare	1
Cisco 2GB Compact Flash for Cisco 1900, 2900, 3900 ISR	Cisco 2GB Compact Flash for Cisco 1900, 2900, 3900 ISR	1
Analog Modem	1 Port Analog Modem Card (Remote Support)	1
Cisco 2921 Security Bundle	Cisco 2921 Security Bundle w/SEC license PAK	0
CISCO2921-SEC/K9	Cisco SMARTnet 24x7x4Hr Onsite "OSP" Service for Part # CISCO2921-SEC/K9 - 5Yr	0
Cisco Console Cable	Cisco Console Cable 6ft with RJ45 and DB9F	0
Cisco Console Cable	Cisco Console Cable 6 ft with USB Type A and mini-B	0
Cisco Eight port 10/100/1000 Ethernet switch interface	Cisco Eight port 10/100/1000 Ethernet switch interface card w/PoE	0
Cisco 1GB USB Flash Token	Cisco 1GB USB Flash Token	0
Cisco 2921/2951 AC Power Supply	Cisco 2921/2951 AC Power Supply with Power Over Ethernet	0
Cisco 2921/2951 RPS Adapter	Cisco 2921/2951 RPS Adapter for use with External RPS	0
Cisco 2-Port 2nd Gen Multiflex Trunk Voice/WAN Int. Card	Cisco 2-Port 2nd Gen Multiflex Trunk Voice/WAN Int. Card - T1/E1	0
Cisco 1 GB DRAM (1 DIMM) for Cisco 2901, 2911, 2921 ISR	Cisco 1 GB DRAM (1 DIMM) for Cisco 2901, 2911, 2921 ISR, Spare	0
Cisco 2GB Compact Flash	Cisco 2GB Compact Flash for Cisco 1900, 2900, 3900 ISR	0

Analog Modem	1 Port Analog Modem Card (Remote Support)	0
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Infranet Deliverables

Dell R410 Management Server		0
Windows Server 2008 64 Bit		
• 4 GB RAM		
• 5 Year 24x7x4 Support		
• Redundant Power Supplies		
• (2) 146 GB 10K SAS Drives		
Dell R610 Host Servers		0
• 64 GB RAM		
• No OS		
• 5 Year 24x7x4 Support		
• Redundant Power Supplies		
• (2) 73 GB 15K SAS Drives		
VMware Licenses		0
• Advanced Acceleration Kit for 6 CPUs		
• vCenter Foundation		
• 5 Year 24x7 Support		
EMC Consolidated Storage VNXe3100		0
• Dual Processors / Dual Power Supplies		
• (2) Disk Array Enclosures		
• (6) 600 GB 10K SAS Drive Vault Pack		
• (17) 600 GB 10K SAS Drives		
(4) Additional GB Ports		
• 5 Year Hardware and Software Support		
Cisco ASA Firewall (5) yr support		0
17" KVM Notebook Keyboard &		0
Dell 42U Full Rack		0
Cisco 3750 X-Series 24 GB Port		0
• Dual Power Supplies		
• 50CM Stacking Cables		
• 5 Year 24x7x4 Support		
APC 8k VA Rack Mount UPS		0
APC UPS Battery Pack		0

APC Switched Rack PDUs		0
Cat5e Patch Cords		0
Molex Deep Ring Runs		0
Dell Precision T5500		2
• Windows 7 Pro – MS Office 2010 Starter		
• 4 GB RAM		
• Keyboard & Mouse		
• 250 GB SATA Drive		
• 512MB NVIDIA Quadro, Quad Monitor, 4DVI		
• DVD-ROM		
• 5 Year NBD Support		
• 3 Dell Professional 1909W 22-inch Monitors		4
APC UPS 750 For Workstation		2

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 13, 2012

DEPARTMENT: POLICE

AGENDA # 4

SUBJECT:

Interlocal Cooperation Agreement Sumner Emergency Communications

SUMMARY:

Interlocal Cooperation Agreement was brought before council August 2011. It passed as R1107-35 and was signed by Mayor. There have been modifications to the original agreement, per City Attorney, new resolution needs to be prepared before it can be signed by the Mayor.

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1211-49

**RESOLUTION APPROVING ADOPTION OF FIFTH AMENDMENT TO
THE CITY OF GALLATIN 401(K) RETIREMENT PLAN**

WHEREAS, THE CITY OF GALLATIN, TENNESSEE, wishes to amend the City of Gallatin 401(k) Retirement Plan (the "**Plan**") in order to comply with Internal Revenue Service regulations, certain Federal Acts, and to adopt other changes as required or permitted by law; and

WHEREAS, the Pension Committee of the City of Gallatin, Tennessee, has been appointed as the Plan Administrator of the Plan; and

WHEREAS, the Pension Committee has, after due and deliberate consideration, executed the "Fifth Amendment to the City of Gallatin 401(k) Retirement Plan" on November 13, 2012, a copy of which is attached hereto as Exhibit A, to update the Plan for the Pension Protection Act of 2006, the Worker, Retiree, and Employer Recovery Act of 2008, the Heroes Earnings Assistance and Relief Tax Act of 2008, and other changes as required or permitted by law.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the "Fifth Amendment to the City of Gallatin 401(k) Retirement Plan, " is hereby approved and adopted in the form attached hereto as Exhibit A; and

FURTHER RESOLVED, that any and all actions heretofore taken by the members of the Pension Committee, the Trustees of the Plan, or one of them, in connection with matters to which the preceding resolutions and each of them relate, are hereby ratified, confirmed and approved in all respects as the acts of the City of Gallatin, Tennessee; and

FURTHER RESOLVED, that in order to fully carry out the intent and effectuate the purposes of the foregoing resolutions, the members of the Pension Committee, the Trustees of the Plan, are, and each of them is, hereby authorized and empowered to take all such further action, and to execute and deliver all such further instruments and documents in the name and on behalf of the City of Gallatin, Tennessee, which shall in their judgment be necessary, proper or advisable; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect the date of passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE: _____

NAY: _____

DATED: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

CORRECT AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**FIFTH AMENDMENT
TO THE
CITY OF GALLATIN
401(k) RETIREMENT PLAN**

WHEREAS, the City of Gallatin (the "**City**") established the City of Gallatin 401(k) Retirement Plan (the "**Plan**") for the benefit of its eligible employees, which was most recently amended and restated, effective January 1, 2009; and

WHEREAS, the City subsequently amended the Plan several times to make changes as required or permitted by ERISA and the Internal Revenue Code; and

WHEREAS, the City desires to amend the Plan to: (i) add certain Qualified Military Service provisions as required or permitted by the Heroes Earnings Assistance and Relief Tax Act of 2008; (ii) add certain provisions as required or permitted by the Worker, Retiree and Employer Recovery Act of 2008; and (iii) make certain technical changes required or permitted by the Pension Protection Act of 2006.

NOW, THEREFORE, effective as of January 1, 2010 (except as otherwise noted herein), the City hereby amends the Plan as follows:

1. A new paragraph is added to the end of "Compensation" under Section 1.10 of the Plan, which shall provide as follows:

Effective January 1, 2009, Compensation shall include differential wage payments (as defined in Section 3401(h)(2) of the Code) made by the Employer to a former Participant with respect to any period while that individual is performing qualified military service while on active duty for a period of more than thirty (30) days, regardless of whether that individual returns to employment with the Employer.

2. A new paragraph is added to the end of "415 Compensation" under Section 1.29 of the Plan, which shall provide as follows:

Effective January 1, 2009, 415 Compensation shall include differential wage payments (as defined in Section 3401(h)(2) of the Code) made by the Employer to a former Participant with respect to any period while that individual is performing qualified military service while on active duty for a period of more than thirty (30) days, regardless of whether that individual returns to employment with the Employer.

3. Section 4.14 (Qualified Military Service) is deleted.

4. Two new paragraphs are added to the end of "Required Minimum Distributions" under Section 6.8 of the Plan, which shall provide as follows:

(h) Effective January 1, 2009, and notwithstanding anything else contained in the Plan to the contrary, a Participant or beneficiary who received a required minimum distribution prior to 2009, and would have been required to receive required minimum distributions for 2009 but for the enactment of Section 401(a)(9)(H) of the Code ("**2009 RMDs**"), and who would have satisfied that requirement by receiving distributions that are: (1) equal to the 2009 RMDs; or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated beneficiary, or for a period of at least 10 years ("**Extended 2009 RMDs**"), will receive those distributions for 2009 unless the Participant or beneficiary chooses not to receive such distributions. Participants and beneficiaries described in the preceding sentence will be given the opportunity to elect to stop receiving the distributions described in the preceding sentence.

Effective January 1, 2009, and notwithstanding anything else contained in the Plan to the contrary, a Participant or beneficiary who would have been required to receive required minimum distributions for the first time in 2009 but for the enactment of section 401(a)(9)(H) of the Code ("**2009 RMDs**"), and who would have satisfied that requirement by receiving distributions that are: (1) equal to the 2009 RMDs; or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated beneficiary, or for a period of at least 10 years ("**Extended 2009 RMDs**"), will not receive those distributions for 2009 unless the Participant or beneficiary chooses to receive such distributions. Participants and beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence.

5. A new sub-paragraph (f) is added to the end of "Advance Distribution for Hardship" under Section 6.12 of the Plan, which shall provide as follows:

(f) Distributions pursuant to this Section 6.12, are also permitted for expenses described in clauses (a), (c), and (e) above (relating to medical, tuition, and funeral expenses) for an individual who is named as a Beneficiary of the Participant at the time that the expense giving rise to the hardship occurs, provided that all other requirements of this Section 6.12 for a hardship distribution are satisfied.

6. A new paragraph is added to the end of Section 6.13 "Domestic Relations Order Distribution", which shall provide as follows:

A domestic relations order that otherwise satisfies the requirements for a qualified domestic relations order (a "QDRO") will not fail to be a QDRO: (i) solely because the order is issued after, or revises, another domestic relations order or QDRO; or (ii) solely because of the time at which the order is issued, including issuance after the annuity starting date or after the Participant's death; however, such domestic relations order is subject to the same limitations, requirements and protections that otherwise apply to a QDRO under the terms of this Plan and applicable law.

7. A new paragraph is added to the end of Section 6.14(b)(3) of the Plan, which shall provide as follows:

Effective January 1, 2010, an eligible distributee shall include (in addition to the persons currently specified in the Plan), a designated Beneficiary (as defined in Section 401(a)(9)(E) of the Code) of a deceased Participant or former Participant who is not the surviving spouse of the Participant but elects, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution made with respect to the Participant paid directly to an individual retirement plan that is described in Code Section 402(c)(8)(B)(i) or Code Section 402(c)(8)(B)(ii) and that is established for the purpose of receiving the distribution. If the Participant dies before his or her required beginning date and the non-spouse Beneficiary rolls over to an IRA the maximum amount eligible for rollover, the Beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. § 1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse Beneficiary's distribution. A Participant's designation of a non-spouse Beneficiary is subject to all other provisions of the Plan. Any distribution on behalf of a non-spouse Beneficiary is not eligible for the 60-day rollover rule provided in Code Section 402(c)(3).

8. A new sub-paragraph 6.14(b)(5) is added to the end of "Direct Rollover" under Section 6.14 of the Plan, which shall provide as follows:

(5) Effective January 1, 2009, and notwithstanding anything else contained in the Plan, for purposes of the Direct Rollover provisions of the Plan, 2009 RMDs and Extended 2009 RMDs (as defined in the Plan) will be treated as Eligible Rollover Distributions in 2009.

9. A new sub-paragraph 6.14(b)(6) is added to the end of "Direct Rollover" under Section 6.14 of the Plan, which shall provide as follows:

In addition, effective for distributions on or after January 1, 2008, a distributee may elect, at the time and in the manner prescribed by the Plan administrator, to have any portion of an eligible rollover distribution paid directly to a Roth IRA (as defined in Code Section 408A) in accordance with, and subject to the limitations of Code Section 408A.

10. A new paragraph 9.12 is added to the Plan, which shall provide as follows:

9.12 180-day notification period. For any distribution notice issued in Plan Years beginning on or after January 1, 2011, any reference to the 90-day maximum notice period prior to distribution in applying the notice requirements of Section 402(f) of the Code (the rollover notice), Section 411(a)(11) of the Code (Participant's consent to distribution), or Section 417 of the Code (notice under the joint and survivor annuity rules) shall be replaced with 180 days.

11. A new paragraph 9.13 is added to the Plan, which shall provide as follows:

9.13 Notice of right to defer distribution. For any distribution notice issued in Plan Years beginning on or after January 1, 2011, the description of a Participant's right, if any, to defer receipt of a distribution also will describe the consequences of failing to defer receipt of the distribution.

12. A new Article X is added entitled "Qualified Military Service," which shall provide as follows:

10.1 Qualified Military Service. Notwithstanding any provision of this Plan to the contrary, contributions, benefits, and service credit with respect to Qualified Military Service will be provided in accordance with Section 414(u) of the Code and the regulations promulgated thereunder. For this purpose, an Employee who returns to employment following Qualified Military Service and is entitled to additional Employer contributions for any Plan Year in accordance with Section 414(u) of the Code shall be treated as receiving Total Compensation from the Employer during such period of Qualified Military Service equal to the Total Compensation the Employee would have received during such period if the Employee were not in Qualified Military Service, determined based on the rate of pay the Employee would have received from the Employer but for such absence during the period of Qualified Military Service, or, if such amount is not reasonably certain, based on the Employee's average Total Compensation from the Employer during the 12-month period immediately preceding the Qualified Military Service (or, if shorter, the period of employment immediately preceding the Qualified Military Service.)

10.2 Death Benefits While On Qualified Military Service. Effective for deaths occurring on or after January 1, 2007, in the case of any Participant who dies while performing Qualified Military Service, the survivors of such Participant are entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the Plan had the Participant resumed employment with the Employer and then terminated employment on account of death.

10.3 Treatment of Differential Wage Payments. Effective for Plan Years commencing on or after January 1, 2009, a former Participant who receives a differential wage payment (as that term is defined in Section 3401(h)(2) of the Code)

from the Employer with respect to any period while that individual is performing Qualified Military Service on active duty for a period of more than thirty (30) days shall be treated as an Eligible Employee of the Employer and any such differential wage payment shall be treated as included in Total Compensation of the Participant. So long as the differential wage payments are made on reasonably equivalent terms to all Eligible Employees of the Employer and all affiliates who are performing Qualified Military Service on active duty for more than thirty (30) days, the Plan shall not be treated as failing to meet the requirements of Section 414(u)(1)(C) of the Code by reason of any contribution or benefit which is based on the differential wage payments.

10.4 Benefit Accruals as a Result of Death or Disability. Effective for Plan Years commencing on or after January 1, 2007, for benefit accrual purposes, the Employer shall treat a Participant who dies or becomes disabled while performing Qualified Military Service as if the Participant had resumed employment with the Employer on the day preceding death or disability and terminated employment on the actual date of death or disability. The Employer shall treat all Participants performing Qualified Military Service who die or became disabled on reasonably equivalent terms.

Executed this 13th day of November, 2012 in the City of Gallatin, Tennessee

Ronald E Mayberry
Print Name: Ronald E. Mayberry

Anna Kemp
Print Name: Anna Kemp

Rachel Nichols
Print Name: Rachel Nichols

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 27, 2012

DEPARTMENT: PERSONNEL

AGENDA # 1

SUBJECT:

401(k) Retirement Plan Amendment Recommendation

SUMMARY:

Attached is the Fifth Amendment to the City's 401(k) plan. The Retirement Committee has reviewed this amendment and approved it on November 13, 2012. The main amendments are being made to comply with three Federal Acts: Heroes Earnings Assistance and Relief Tax Act of 2008, Worker, Retiree and Employer Recovery Act of 2008, and Pension Protection Act of 2006.

RECOMMENDATION:

Approval

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1211-50

**RESOLUTION APPROVING NEW AND REVISED JOB DESCRIPTION FOR
FACILITIES MAINTENANCE**

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the attached new job description for Facilities Maintenance General Worker/Custodian (Pay Grade C) is hereby approved and ordered implemented into the Personnel Classification System for the City of Gallatin, Tennessee. This position shall be placed in the classified service pursuant to Gallatin Code Section 13-102 and shall be subject to the payment of overtime wages under the Fair Labor Standards Act.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

GENERAL WORKER/CUSTODIAN

GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs responsible semiskilled custodial, building maintenance work in the Facilities Maintenance Department; does other related work as required. Work is performed under general supervision.

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects, and some medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects. Work requires reaching, climbing, stooping, standing, walking, pushing, pulling, lifting, and grasping; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for operation of equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions; extreme heat and extreme cold.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Cleaning and maintaining buildings and grounds; delivering and picking up supplies; running errands.
Dusts and/or polishes chairs, tables, shelves and other furniture or equipment;
Washes windows, walls, woodwork and venetian blinds;
Vacuums, sweeps, damp and dust mops floors;
Waxes and uses buffers on floors;
Gathers and disposes of refuse;
Picks up paper and trash from grounds;
Cleans and supplies restrooms daily;
Touch up painting around buildings;
Delivers and picks up supplies;
Maintains grounds, cuts grass, rakes leaves, trims bushes and shovels snow;
Moves furniture, office equipment and boxes;
Inventories and orders cleaning equipment and supplies;
Monitors activities of all outside trades (outside contractors) that come to City Hall for various reasons;
Assists Facilities Maintenance person with electrical, plumbing, and cabling repairs and installs;
Performs other related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

General knowledge of building cleaning and maintenance methods, materials and equipment; ability to understand and follow detailed oral and written directions; ability to get along well with others; ability to read and write.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to completion of the eighth grade and some experience in custodial and building maintenance work.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the State of Tennessee.

CITY OF GALLATIN
THE COUNCIL COMMITTEE
AGENDA SUMMARY
11/25/2012

AGENDA # _____

DEPARTMENT: Public Works

SUBJECT: REQUEST APPROVAL OF NEW AND REVISED JOB
 DESCRIPTION FOR FACILITY MAINTENANCE

SUMMARY: Resolution attached

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other Job Description

Approved ☒
Rejected _____
Deferred _____

Notes:

RESOLUTION NO. R1211-51

RESOLUTION APPOINTING CLAY HAYNES, ALLEN PARKS, AND DERRICK JACKSON
TO THE GALLATIN INDUSTRIAL DEVELOPMENT BOARD

WHEREAS, T.C.A. § 7-53-301 provides that directors of a municipal board of industrial development shall be appointed by the governing body of the municipality; and

WHEREAS, the terms of Clay Haynes, Allen Parks, and Derrick Jackson are due to expire on August 31, 2012; and

WHEREAS, Clay Haynes, Allen Parks, and Derrick Jackson have been nominated to continue service on the Industrial Development Board;

NOW THEREFORE BE IT RESOLVED, that Clay Haynes is hereby re-appointed to the Gallatin Industrial Development Board to serve a term expiring August 31, 2018; Allen Parks is hereby re-appointed to the Gallatin Industrial Development Board to serve a term expiring August 31, 2018; and Derrick Jackson is hereby re-appointed to the Gallatin Industrial Development Board to serve a term expiring August 31, 2018.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its final passage the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED: _____, 2012.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 27, 2012

DEPARTMENT: EDA

AGENDA #

SUBJECT:

Appointments of Clay Haynes, Allen Parks, and Derrick Jackson to the Industrial Development Board

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes: